

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Todd Allen Ohlmeier,

Case No. 24-CV-04382 (JMB/ECW)

Petitioner,

v.

ORDER

Warden Jared Rardin, *Warden at FMC-Rochester*,

Respondent.

Todd Allen Ohlmeier, Rochester, MN, self-represented.

Ana H. Voss and Trevor Brown, United States Attorney's Office, Minneapolis, MN, for Respondent Jared Rardin.

This matter is before the Court on the Report and Recommendation (R&R) of United States Magistrate Elizabeth Cowan Wright. (Doc. No. 11.) The R&R recommends that denying Petitioner Todd Allen Ohlmeier's Petition to the extent it claims that the Bureau of Prisons has inappropriately amended Ohlmeier's sentencing judgment, and to the extent it raises a procedural due process claim based on Ohlmeier's alleged inability to use the FMC-Rochester commissary. (*See id.*) Neither party has objected to the R&R, and the time to do so has now passed. *See* D. Minn. L.R. 72.2(b)(1).

In the absence of timely objections, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. No. 11) is ADOPTED.
2. The Petition is DENIED IN PART, as follows:
 - a. The portion of the Petition asserting that the BOP has inappropriately amended Ohlmeier's sentencing judgment is DENIED.
 - b. The portion of the Petition asserting that Ohlmeier has been denied procedural due process because he was precluded from using the FMC-Rochester commissary is also DENIED.
3. The Parties shall proceed as directed by the Magistrate Judge in the R&R concerning the remaining portions of the Petition.

Dated: July 9, 2025

/s/ Jeffrey M. Bryan

Judge Jeffrey M. Bryan
United States District Court